THE TREND IN FOOD AND DRUG LAW LEGISLATION

A radio talk by W. G. Campbell, Chief, Federal Food and Drug Administration, delivered through Station WRC in Washington and _____ other associate NBC radio stations, in the National Farm and Home Hour, Monday, December 10, 1932.

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It will be just 26 years ago next New Year's Day when the Federal food and drugs act, signed by President Theodore Roosevelt the previous June, formally went into effect. The machinery of food- and drug-law enforcement began to grind slowly but surely. I have been connected, ladies and gentlemen, with the organization which enforces this measure since 1907 and have seen enforcement methods become more and more effective through amendatory legislation and through improved procedure in our operations. To date, nearly 20,000 legal actions have been taken under the national pure food and drug law. The actions have involved both seizure of goods and prosecution of offenders. I can assure you today that the objectives of the Congress in passing the bill have not been changed. The major objectives were--- and are:

First, to prevent the shipment in interstate commerce of impure or misbranded drugs or pharmaceuticals designed for the treatment of diseases of human beings---

Second, to prevent the shipment in interstate commerce of unwholesome or decomposed foods---

Third, to prohibit interstate shipments of food commodities mislabeled as to their true character, the sale of which would definitely cheat the consumer---

Fourth, to check the shipment in interstate commerce of worthless or misbranded stock remedies on which the farmer might unwisely rely in the treatment of diseases of his farm livestock.

Fifth, to safeguard the farmer's interest through preventing interstate traffic in adulterated or misbranded stock feeds.

Recently I submitted to the Secretary of Agriculture my annual report on work of the Food and Drug Administration for the past fiscal year. This report covers the year's activities in the enforcement not only of the national pure food and drug law, but also of five other laws enforced by the Food and Drug Administration. There laws are the insecticide Act, caustic poison act, import milk act, the naval stores act, and the tea act. These, also, were passed definitely in the interests of the American consumer and will continue to be enforced for the protection of the consumer.

My time, today, will not permit me to summarize, even briefly, the activities of the year in the enforcement of the five laws, other than the food and drugs act.

Our first concern in the enforcement of the pure food and drug law is the safeguarding of the public health. Such protection is brought about through the prevention of interstate or import shipments of unwholesome or deleterious foods--- of drugs and medicines used in the treatment of disease (often vital in emergencies)

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which are not what they purport to be--- and of medicines, patent or proprietary, which are misbranded as to their therapeutic or remedial value in the treatment of disease.

Medical products are highly important to the public and we of the Food and Drug Administration believe that no manufacturer has a right to defraud the sick, or, perhaps, to hinder the recovery of the ill, through the sale of fake nostrums unjustifiably recommended for serious human maladies. I am now going to touch briefly upon a court decision of the year which directly involved what we consider to be a worthless nostrum. Early in July, the Federal court at Baltimore, Md., rendered a decision upholding the government in the seizure of certain stocks of so-called "external remedy". This preparation, a liniment, manufactured by a Boston, Massachusetts, concern, had been shipped into numerous Federal jurisdictions and your government had seized a number of shipments on the ground that the preparation was falsely and fraudulently labeled with curative claims for diseases. The company contested the seizure and went to bat with the Federal government in the case. Following a trial which lasted more than three weeks, the court rendered a decision in favor of the government, which automatically has forced the manufacturer to remove from his labels statements which were considered illegal under the food and drug law. The "external remedy" was composed largely of water, ammonia, turpentine, and egg white, and was recommended by the manufacturer for a number of serious diseases of mankind, including tuberculosis, pneumonia, influenza, diseases of the joints, and the like. The government presented as witnesses more than a score of the leading medical specialists of the country, all of whom testified that the combination of ingredients known as "B. & M. External Remedy" could not have value in the treatment of diseases named in the labeling. A number of these specialists had tried out the remedy in their own hospitals or practice and found that not only was it worthless, but that, in some instances, use of the nostrum aggravated the symptoms of the disease for which it was recommended. The company put upon the stand only one medical man--- an employee of the manufacturing concern. The manufacturer submitted as witnesses 30 or 40 persons who testified that the use of the "external remedy" had alleviated the symptoms of, or cured, their diseases. Later examination of some of these witnesses proved them still to be suffering from the maladies from which they had claimed a cure. We consider that the decision of the court in this instance will be of great value in our continued enforcement of the Federal food and drugs act in so far as it relates to government control of the sale of falsely and fraudulently labeled medical preparations.

If time permitted; I could describe for you other important litigations, involving medical products, concluded during the fiscal year 1932. My annual report covers Federal actions against shippers of poisonous Jamaica ginger, commonly called "ginger jake," which caused the recent and regrettable outbreaks of paralysis. The bootleg "ginger jake" which caused the trouble was rounded up by Federal and State food and drug officials and by Prohibition officers of the government. A number of shippers were prosecuted for violation of the food and drug and prohibition laws, as well as for conspiracy. I could also tell you how two chemical companies received heavy sentences for shipping in interstate trade anaesthetic ether was grossly adulterated. The ether was part of a salvage wartime stock which had been held under bond, specifying that it should never be used for hospital, clinical, or anaesthetic purposes. The ether was destroyed.

These are but a few of the outstanding drug actions instituted during the past fiscal year. Our job during that period was by no means a light one, and it is my

opinion that troubled economic conditions--- while they restricted somewhat the total output of foods and drugs---did not lessen our burden. As a matter of fact, economic stress during the year added to our job. With an appropriation for enforcement of the food and drug law of approximately one and one-fourth million dollars, we were obliged to keep under surveillance an output of manufactured foods, which ran in value to about 745 million dollars, and a production of pharmaceuticals and proprietary remedies valued in excess of 400 million dollars. These figures, of course, do not give one a complete picture, inasmuch as we are obliged to check upon interstate and import shipments of numerous other types of foods and drugs, domestically produced, imported, or exported.

All who are listening to this Farm and Home Hour program will understand the necessity for fruit and vegetable growers to spray their crops with chemicals in order to check the ravages of insect pests. The spray most commonly used is lead arsenate, which, of course, is poisonous to man as well as to insects. Unless proper spraying schecules are followed--- and unless fruits and vegetables are properly washed subsequent to spraying --- there is a possibility that a residue, sufficient to cause serious illness, may be left upon the fruits or vegetables. The majority of fruit and vegetable growers thoroughly understand the procedure by which residue may be removed and I want to assure you that the great bulk of fruits and vegetables on the American market is wholesome and free from any trace of poisonous spray. I believe this is due to rigid control measures by food and drug officials, national, State, county, and city. But this intensive spray-residue control must be maintained. Federal food and drug officials sampled and analyzed, during the past fiscal year, hundreds of shipments of vegetables, such as cabbage and celery, and fruits, including apples and pears, and we seized the goods whenever they were found to contain harmful amounts of spray residue. For several years, the Food and Drug Administration has been spending from one-fourth to one-third of its annual appropriation to make sure that the American buyer is protected against the sale of fruits and vegetables containing traces of spray which could be injurious to the health.

I have told you about a few of the more outstanding of our activities during the fiscal year, 1932. A complete summary of work done would occupy many days of steady talking. Perhaps I can give you some idea of the magnitude of operations, under the food and drugs act last year, through a few figures---

The Administration collected approximately 39,000 samples of foods and drugs in the course of interstate and import operations. We did this for the purpose of checking possible violations--- for the purpose of recommending seizure and prosecution when such were justified. The government seized 908 shipments of foods which violated the law and instituted prosecution proceedings against 739 violators in the food field. The government seized 328 stocks of adulterated and misbranded drugs--- prosecuting 471 violators. The government seized 24 lots of stock feeds and prosecuted 97 violators in this particular field. The grand total of all legal actions taken under the food and drugs act during the fiscal year, 1932, is 2,567--- seven for each day of the year, including Sundays. Under the import provisions of the law, the government examined 7,533 samples of imported drugs and 2,783 samples of imported foods--- making a grand total of 10,316. As in the past two previous years, we found no cases of botulism poisoning which could be attributed to commercially packed foods.

Now, in conclusion, what did this service cost you taxpayers? That $1,260,000 appropriation for the enforcement of the food and drugs act for the

past fiscal year came out of your pockets. Each man, woman, and child in the United States, figuratively speaking, paid about one cent for the protection the law affords. Do you consider your contribution a good investment?

I believe that the American public, in general--- housewives and husbands--- are taking a more and more eager interest in the continued enforcement of the pure food and drug law. As buyers, you can help the government enforcing agency and you can add to your own protection and economic welfare by reading carefully all labels on foods and drugs before making your purchases.

I leave that for my final word and thank you for your attention.

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